

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GERALD PAUL HUDDLESON,

Plaintiff,

V.

OFFICE OF COMPTROLLER
OF CURRENCY,

Defendant.

No. 4:11CV1564 HEA

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's response to the Court's order to show cause why this action should not be dismissed for lack of subject matter jurisdiction. Having reviewed the case file, the Court finds that subject matter jurisdiction is lacking.

Rule 12(h)(3) of the Federal Rules of Civil Procedure states: “If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.”

Plaintiff, who is proceeding pro se, seeks injunctive relief against the Office of Comptroller of Currency (the “OCC”), an independent bureau of the U.S. Department of Treasury. Plaintiff alleges that the OCC failed to properly investigate a claim he raised against Bank of America, having to do with unauthorized payments

from his aunt's bank account in 2002. Plaintiff says he brought a claim against Bank of America with the OCC in 2008, and plaintiff claims the claim was denied under UCC Article § 4-406, which says that a bank customer has a duty to promptly raise a claim regarding unauthorized payments from his or her account. Plaintiff seeks an order from this Court directing the OCC to properly investigate his claims against Bank of America and to "take proper action against the bank."

Neither the complaint nor plaintiff's response identify a basis for subject matter jurisdiction. Rule 8(a)(1) of the Federal Rules of Civil Procedure requires that a complaint contain "a short and plain statement of the grounds for the court's jurisdiction . . ." And the Court has not identified any federal law that permits a person to sue the OCC under plaintiff's theory of relief. As a result, the Court finds that subject matter jurisdiction is lacking, and the Court will dismiss this action.

Accordingly,

IT IS HEREBY ORDERED that this action is **DISMISSED**.

An Order of Dismissal will be filed with this order.

Dated this 6th day of October, 2011.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE